

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
PATRICIA A. FENTON, Executrix of)	
The Estate of WILLIAM IRVING,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-CV-10054 EFH
)	
7-ELEVEN, INC. and)	
THE SOUTHLAND CORPORATION)	
)	
Defendants.)	
_____)	

**DEFENDANTS 7-ELEVEN, INC. AND
THE SOUTHLAND CORPORATION'S INTIAL DISCLOSURES**

Defendant 7-Eleven, Inc. (also erroneously sued as The Southland Corporation), by and through its attorneys, Donovan Hatem LLP, submit the following Disclosures, pursuant to Fed. R. Civ. P. 26(a)(1):

A. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

The following individuals may have discoverable information relevant to the disputed facts alleged with particularity in the pleadings. The defendant reserves the right to supplement and revise its disclosures after additional discovery.

- Shahzad Khan, 7-Eleven, Inc., 826 Boston Road, Billerica, MA. Mr. Khan is the franchisee of the store where the plaintiff's decedent allegedly fell. Mr. Khan may have knowledge or information regarding the subject slip-and-fall incident and the circumstances described in the plaintiff's amended complaint.

- 7-Eleven Employees' Trust, c/o U.S. Trust Co., N.A., 515 South Flower Street, Suite 2700, Los Angeles, CA. 7-Eleven Employees' Trust owned the building outside of which the plaintiff's decedent allegedly fell. 7-Eleven Employees' Trust may have information regarding ownership of the incident locus identified in the plaintiff's amended complaint.
- Massachusetts General Hospital Staff, 55 Fruit Street, Boston, MA. Massachusetts General Hospital Staff may have knowledge or information relating to care and treatment rendered to the plaintiff's decedent.
- Lahey Clinic Staff, 41 Mall Road, Burlington, MA. The Lahey Clinic Staff may have knowledge or information relating to care and treatment rendered to the plaintiff's decedent.
- Brian Awbrey, M.D., 151 Merrimack Street, Suite 202, Boston, MA. Dr. Awbrey may have knowledge or information regarding his care and treatment of the plaintiff's decedent.
- Cambridge Health Alliance Staff, 1493 Cambridge Street, Cambridge, MA. The Cambridge Health Alliance Staff may have knowledge or information regarding care and treatment rendered to the plaintiff's decedent.
- MRI Center Staff, Cummings Park, 258 West Cummings Park, Woburn, MA. The MRI Center Staff may have knowledge or information regarding care and treatment rendered to the plaintiff's decedent.
- MediGroup P.C. Staff, Park Street Medical Building, 966 A Park Street, Stoughton, MA. The MediGroup P.C. Staff may have knowledge or information regarding care and treatment rendered to the plaintiff's decedent.

- Patricia A. Fenton, Executrix of the Estate of William Irving.
- Widow of decedent.
- Any and all individuals listed in initial disclosures or discovery documents including, but not limited to, supplemental discovery by the plaintiff.
- The defendant reserves the right to list additional parties.

B. DOCUMENTS, DATA COMPILATIONS, AND TANGIBLE THINGS THAT ARE RELEVANT TO DISPUTED FACTS.

The defendant makes this disclosure based on information known at this time, and reserves the right to supplement or revise this disclosure after additional investigation or discovery, if any.

- Lease agreement between 7-Eleven, Inc. and 7-Eleven, Inc. Employees' Trust, dated May 1, 2001, a copy of which is located at the offices of Donovan Hatem LLP.
- Any document listed in disclosures submitted by the plaintiff to this action.

C. COMPUTATION OF DAMAGES

None.

D. INSURANCE AGREEMENT

The following insurance agreement may be liable to satisfy any judgment, a copy of which is available under Fed. R. Civ. P. 34:

- Kemper Insurance Companies/American Motorists Insurance Company; Policy Number: 5AB 038 126-07; Policy Period: October 1, 2001 – October 1, 2002; Each Occurrence: \$2 Million.

Respectfully submitted this 20th day of December, 2005.

Defendants,
7-ELEVEN, INC. and
THE SOUTHLAND CORPORATION,
By their attorneys,

/s/ Janet B. Pezzulich

Michael P. Giunta, BBO No. 543768

Janet B. Pezzulich, BBO No. 642442

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Date: December 20, 2005

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